



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

March 30, 2004

Mr. Dick Bussiere
Cat's Paw Construction
14 Scott Avenue
Hooksett, New Hampshire 03106

CERTIFIED MAIL (7099 3400 0003 0688 2539)
RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

RE: Non-Conforming Open Burning

Dear Mr. Bussiere:

On December 29, 2003, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") was notified by Mr. Harold Murray, the Hooksett Forest Fire Warden, that the Hooksett Fire Department ("HFD") responded to an open burning incident at a home under construction at Lot 2-9 Shawhill Road, Hooksett, NH ("the Property"). Mr. Murray identified Cat's Paw Construction ("Cat's Paw") as being responsible for the burning of non-conforming materials at the Property. It was reported that pressure treated lumber; shingles and household trash were being burned. The HFD extinguished the burn pile.

On December 29, 2003 DES personnel conducted an inspection at the Property in order to determine conformance with the N.H. Code of Administrative Rules, Env-A 100 *et seq.*, specifically, Env-A 1000, *Prevention, Abatement, and Control of Open Source Air Pollution* and RSA 125-C. During the inspection, DES personnel observed and photographed charred pressure treated lumber, charred shingles, charred metal flashing, charred cardboard, aluminum cans and assorted trash in the burn pile on the Property. DES personnel spoke with Mr. Ben Palford, an employee of Cat's Paw. Mr. Palford stated that you instructed him to ignite the burn pile. As a result of the inspection and information gathered, DES has determined that violations occurred.

The purpose of this letter is to notify you of the violations discovered, as well as the requirements surrounding open burning, so that you can prevent future violations. The specific violations are as follows:

- Env-A 1001.05 outlines the type of burning that is permissible without authorization from DES. Specifically, Env-A 1001.05 (d) allows periodic on-site burning of brush by the landowner and allows the burning of untreated wood from the construction or demolition of a building. The burning of materials other than brush and untreated wood is a violation of Env-A 1000.

Env-A 1001.03(a) defines "brush" as tree tops, limbs, saplings and tree cuttings that are five inches in diameter or less.

- Env-A 1001.03(k) defines "untreated wood" as any timber, board or sawn dimensional lumber, which has not been treated, coated or preserved.

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-1370 • Fax: (603) 271-1381 • TDD Access: Relay NH 1-800-735-2964

Since the burning of non-conforming materials has ceased, DES believes that no further action is required at this time in response to the listed violations. However, in the event that additional violations are identified, DES may take action, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Joseph Ritz at (603) 271-1391, Air Resources Division, Compliance Bureau. A current copy of the Air Resource Division rules can be obtained from the DES website at <http://www.des.state.nh.us/ard/ardrules.htm>, or by contacting the Public Information Center at (603) 271-2975.

Sincerely,

A handwritten signature in black ink is written over the word "COPY" in large, bold, black capital letters. The signature appears to be "P. G. Monroe".

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enclosure: Env-A 1001, *Open Burning*

cc: M. Harbaugh, DES Legal Unit
R. Kurowski, EPA Region 1
H. Murray, Hooksett Forest Fire Warden
Chief M. Williams, Hooksett Fire Department
Chairman, Hooksett Town Council
AFS # 330139777